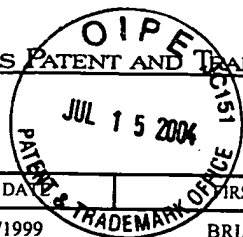




UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

JUL 21 2004
TECH CENTER 2800

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,264	11/29/1999	BRIAN D. LOUNSBERRY	15-X-5197(7)	7392

7590 12/16/2002

PAUL S HUNTER
FOLEY & LARDNER
FIRSTAR CENTER
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 532025367

EXAMINER

LAU, TUNG S

ART UNIT	PAPER NUMBER
----------	--------------

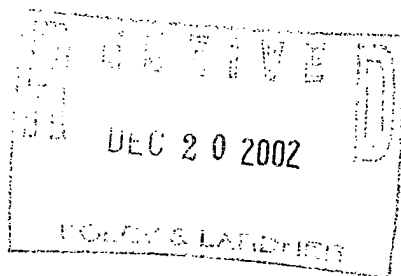
2863

DATE MAILED: 12/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

FPS/NOA 5-16-05
AMEND/APPEAL DUE

1st Rpt 1-16-05
3rd Rpt 6-16-03



C
12/16/02 RH

Form PTO-1449
(MODIFIED)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

070191-0190 (15-Xt-5197)

SERIAL NO.

264

RECEIVED

INFORMATION DISCLOSURE CITATION

APPLICANT

Lounsberry et al.

FILING DATE

11/29/1999

GROUP ART UNIT

2863

TECH CENTER 2800

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
TL		6,313,868	11/06/01	D'Alfonso et al.			
		6,308,089	10/23/01	von der Ruhr et al.			
		6,295,082	09/25/01	Dowdy et al.			
		6,212,256	04/03/01	Miesbauer et al.			
		6,178,225	01/23/01	Zur et al.			
		6,170,742	01/09/01	Yacoob			
		6,092,722	07/25/00	Heinrichs et al.			
		5,434,900	07/18/95	Tanaka et al.			
		4,991,193	02/05/91	Cecil et al.			
		4,918,714	04/17/90	Adamski et al.			

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

Tung

DATE CONSIDERED

12-12-02

- * EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.

Office Action Summary

Application No.

09/450,264

Applicant(s)

LOUNSBERRY ET AL.

Examiner

Tung S Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- a. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (U.S. Patent 4,881,230) in view of Berglund et al. (U.S. Patent 6,427,176).

Clark discloses a method for associating a field replaceable medical diagnostic system for information on a field replaceable unit, receiving information and configuring the system in accordance with information, memory circuit attached, data for configuring the system (col. 80, lines 45-64, col. 1 lines 65-13), using network configuration (fig. 25, col. 13, lines 25-60), identification of each replaceable unit (fig. 1b-11), verification of subsystems, communication data of a replaceable unit (col. 26, lines 1-14, fig. 3-10), a storage medium, a program digital process circuit communication via network, mean for configuring the information (fig. 1b-78).

Clark does not disclose the querying information or to gather information, Berglund disclose the querying information or to gather information to correlate a physical location with a device or subsystem at that location, this correlation is needed in order to able to readily service or upgrade the system. (col. 2, lines 16-21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Clark to have the querying information taught by Berglund in order to able to readily service or upgrade the system.

Response to Arguments

2. Applicant's arguments filed 10/30/2002 have been fully considered but they are not persuasive.

A. Applicant argue that Clark does not disclose the configuring the medical device system with the information on a field replaceable unit. Clark talk about the system works in a medical system (col. 1-2, lines 65-11), and diagnostic the system by identifying the parts within the system (col. 2, lines 47-56) in order to isolate and replace function failure parts. Clark discloses that is very common to use diagnosis systems in the medical field (col. 1-2, lines 65-11).

B. Applicant also argue that the prior art fail to disclose 'receive association information from a remote service facility'. Clark talk about the system works on a

remote service facility (col. 42, lines 40-50) and use networking approach (TDM to be specific, col. 12, lines 25-61).

C. Applicant continue to argue that Clark does not disclose 'communicating operational data of the replaceable unit'. Clark talk about how the system communicate and identify the failing field replaceable unit, isolate the part and perform additional diagnostic to ensure the system has no error from the components (col. 2, lines 57-56).

D. Applicant continue to argue that Clark does not disclose the 'file based on the associated information of identifying the field service'. Fig. 16 Clark shows the test file associate with a particular test, Fig. 55 show how errors store in a file and has a suggested action to replace a fail unit.

E. Applicant also argue that prior art fail to disclose the 'generating service request of a file status'. Clark fig 56-61 shows generating a service request of a file status and the proper action.

F. Applicant also argue that prior art fail to disclose the replaceable unit is a x-ray tube. It would have been inherent to one of ordinary skill in the art at the time the invention was made to know that medical system include x-ray machine.

G. Applicant continue to argue that prior art fail to disclose a processing circuit response to the request for identification. Clark disclose in Fig. 1D a processor (processor 900) circuit that handle the tasks of the system.

H. Applicant also argue that prior art fail to disclose communication interface via a network. Clark talk about the system works on a remote service facility (col. 42,

lines 40-50) and use networking approach (TDM to be specific, col. 12, lines 25-61).

I. Applicant also argue prior art fail to disclose a storage medium is physically coupled to an field replaceable unit. Clark shows the storage medium in Fig. 1B (60) and is physically couple to the test subject

J. Applicant continue to argue the prior art fail to disclose the reconfiguring of the system due to the diagnostic function. Clark in fig. 56 show how an internal part is being replace and reconfigure to the system based on diagnostic function fig. 54-55.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2863

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309.

The examiner can normally be reached on M-F 9-5:30.

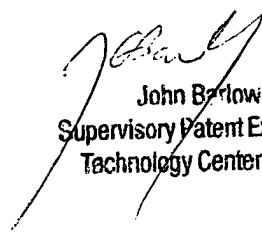
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703) 872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

TC2800 Customer Service RightFAX - (703) 872-9317

TL


John Barlow
Supervisory Patent Examiner
Technology Center 2800